

# **EXHIBIT I**

VIA CERTIFIED MAIL  
VIA EMAIL (dwilkerson@vwlawfirm.com)

Nueva Vida Media LLC

c/o Marc Angelo Garcia  
413 Mont Vale Rd  
Lyman, SC 29365

► **The Van Winkle Law Firm**

c/o C&J Software Solutions Inc.  
422 South Main St.  
Hendersonville, NC 28792

**Re: ALLEGED Infringement of “PowerChurch Software” Trademark, Reg. No. 5862646  
and “PowerChurch Plus!”, Reg No. 1412159**

**C&J Software Inc and Representative,**

On Friday August 4, 2023 we received a certified letter demanding a cease and desist on your part for the alleged infringement of the trademark of “PowerChurch Software” and “PowerChurch Plus!” Until receipt of this letter we were not aware of any trademark registered or any company providing the services we provide to non-profits namely churches. We were until now unaware of your company.

On August 24, 2023 we received an email rebutting our statements in our response sent and confirmed receipt by both the client and your law firm.

The fact stated that it would be 4th Circuit doesn't change anything as the 4th Circuit is not going to contravene the 9th Circuit on the exact same issue. Your client would have to prove loss of income and damages based on confusion of the trademark of your product to our service. In other words for clarity, your client will have to prove that software sales were affected due to us offering our service which we believe the 4<sup>th</sup> Circuit or the 9<sup>th</sup> Circuit would not find any association.

As well the thought of “Power Church” and “Power Church Plus” marks being registered under the same owner being a validity of the mark is erroneous. Again, the fact that the USPTO approved the application for both on separate applications and times indicates solidifies the fact that the USPTO that the marks are different enough, or passed the test of not being “similar”.

The ability to register a trademark does not take into account who the owner is. Please cite the rule where this is depicted in the USPTO site or federal law. Ownership of the trademark does not go into determining the registration of the trademark. Furthermore the goods and services rule of trademark gives differentiation.

At this point your client's continual harassment is going to subject them to a restraining order, and we will seek a declaratory relief in a federal court to determine rights and liability, and we will recover all of our court costs and attorneys fees should your client continue to pursue this.

We furthermore rescind our amicable offer to place anything on our website or materials declaring that we are not associated. We renew our original statement, **we will not cease and desist to use “iPowered Church” as a service offering name.**

Lastly, a search post your initial letter resulted in 0 matches with the USPTO website (<https://tmsearch.uspto.gov/>) based on your recommendation. We have enclosed the results of the search for "iPowered Church".

Our trademark attorney since Aug. 4<sup>th</sup> has been notified, and is aware of our communications. If litigation continues to be the desire of your client, please advise and I will get you in contact with my attorney once a summons is served and we will file our restraining order. Until then we will not receive any more correspondence concerning this matter. Again any further correspondence concerning this will result in a restraining order and pursuit of litigation on our behalf.

Thank you

  
Nueva Vida Media LLC  
Dr. Marc Angelo Garcia  
President Nueva Vida Media LLC  
8/8/2023

Copies:  
- NVMedia Attorney  
- C&J Software  
- Winkle Law Firm

TESS was last updated on Mon Aug 28 03:32:22 EDT 2023

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**WARNING:** AFTER **SEARCHING** THE USPTO DATABASE, EVEN IF **YOU** THINK THE RESULTS ARE "O.K.," DO **NOT** ASSUME THAT YOUR MARK CAN BE REGISTERED AT THE USPTO. AFTER YOU FILE AN APPLICATION, THE USPTO MUST DO ITS OWN SEARCH AND OTHER REVIEW, AND MIGHT **REFUSE TO REGISTER** YOUR MARK.

View Search History:

- ☒ Plural and Singular ☐ Singular
- ☒ Live and Dead ☐ Live ☐ Dead

Search Term:

ipowered church

Field:

ALL

Result Must Contain:

All Search Terms (AND)

Submit Query

Clear Query

Logout

Please logout when you are done to release system resources allocated for you.

This **New User (Basic)** search form allows for searching of the most commonly searched fields: word marks, serial or registration numbers, and owners.

The **Combined Word Mark** is the default search field and includes the **word mark** and **translation**.

Use the **\$** for truncation in any field. For **Combined Word Mark** searches, the **\*** is a more efficient truncation operator for left and/or right truncation. For example, the search term "DOG" with the **Combined Word Mark** will retrieve marks with common variations of the word DOG in the word mark or translation statements. Use of the \$ truncation operator sometimes results in a truncated hit list.

For serial number or registration number searches, enter the 8-digit serial number (e.g. 75123456) or 7-digit registration number (e.g., 1234567) and select **Serial or Registration Number** as the *Field* for the search. If multiple serial or registration numbers are searched, separate the numbers by spaces and change the *Results Must Contain* value to Any Search Terms (OR). (Alternatively, separate the number by the Boolean OR operator without adjusting the *Result Must Contain* value.)


Do **NOT** include the apostrophe for contractions. For example, search for the word **DON'T** by searching **DON T**. Including Boolean operators (e.g., AND, OR, NOT) or proximity operators (e.g., ADJ, NEAR, SAME, WITH) in your search will override the *Result Must Contain* setting for the search. To actually search for these Boolean or proximity operators, include quotes around the operator.

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